FEDERAL REGISTER

VOLUME 3 NUMBER 130

Washington, Wednesday, July 6, 1938

The President

EXECUTIVE ORDER

EXTENDING THE EXISTENCE OF THE QUETICO-SUPERIOR COMMITTEE, CREATED BY EXECUTIVE ORDER NO. 6783 OF JUNE 30, 1934

By virtue of the authority vested in me as President of the United States, I hereby extend the existence of the Quetico-Superior Committee, created by Executive Order No. 6783 of June 30, 1934, for a period of four years, from June 30, 1938 to June 30, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 30, 1938.

[No. 7921]

[F. R. Doc. 38-1898; Filed, July 2, 1938; 12:14 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE DOMESTIC BEET SUGAR AREA FOR THE 1937 CROP

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, Harry L. Brown, Acting Secretary of Agriculture, do hereby determine that the proportionate share for the 1937 crop for each farm in the domestic beet sugar area shall be the number of acres of sugar beets planted thereon for the production of sugar beets marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1937 crop season.

Done at Washington, D. C., this 30th day of June 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary.

[F. R. Doc. 38-1889; Filed, July 1, 1938; 3:28 p. m.]

[ECR-B-101—White County, Tenn., Supp. (b)]

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—WHITE COUNTY, TENNESSEE, SUPPLEMENT (B)

Precedence in the Use of the General Farm Allowance

Section 2 of Part I of East Central Region Bulletin 101, White County, Tennessee,[1] is hereby amended by changing the first paragraph thereof to read as follows:

"*General Farm Allowance.*—The general farm allowance for the farm is the maximum amount for which payment may be made for carrying out soil-building practices and for diversion from the general soil-depleting base; provided that where both soil-building practices and diversion from the general soil-depleting base have been carried out on the farm, the general farm allowance shall be applied first to the payment for diversion from the general soil-depleting base, and the balance of the general farm allowance, if any, shall be applied to the payment for soil-building practices."

Done at Washington, D. C., this 1st day of July 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1897; Filed, July 2, 1938; 12:10 p. m.]

[ACP—1938—Puerto Rico-2]

1938 AGRICUTURAL CONSERVATION PROGRAM BULLETIN—PUERTO RICO

SUPPLEMENT NO. 2

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin—Puerto

[1] 2 F. R. 544 (637 DI).

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FEDERAL REGISTER

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Rico, issued March 22, 1938,[1] is hereby amended as follows:

(1) Section IV is hereby amended to read as follows:

"SEC. IV. *Payment in connection with tobacco acreage allotments.*—Payment will be made with respect to any farm at the rate of $15.00 for each acre in the tobacco acreage allotment established for the farm. The payment with respect to any farm shall be subject to a deduction of $45.00 for each acre of tobacco planted on the farm in the 1938–1939 tobacco season in excess of the tobacco acreage allotment established for the farm."

(2) The first sentence of Section VIII is hereby amended to read as follows:

"The acreage allotment of tobacco for Puerto Rico shall be 30,000 acres and the tobacco acreage allotments established for all farms in Puerto Rico shall not exceed such amount."

Done at Washington, D. C., this 5th day of July 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1909; Filed, July 5, 1938; 12:05 p. m.]

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PLANTING AND CULTIVATING OF SUGARCANE IN MAINLAND CANE SUGAR AREA DURING CALENDAR YEAR 1938

Whereas, Section 301 (b) of the Sugar Act of 1937 provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas, The Secretary of Agriculture has held a number of public hearings in the mainland cane sugar area for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the planting and cultivating of sugarcane in such area in 1938.

[1] 3 F. R. 731 DI.

Now, therefore, I, Harry L. Brown, Acting Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine fair and reasonable wage rates for persons employed in the planting and cultivating of sugarcane in the mainland cane sugar area during 1938 to be not less than the following:

Louisiana.—For adult male workers, not less than $1.20 per day, and for adult female workers, not less than $1.00 per day.

Florida.—For adult male workers, not less than $1.60 per day, and for adult female workers, not less than $1.30 per day.

Provided, however, That the producer shall furnish to the laborer, without charge, the customary perquisites, such as, a habitable house, a suitable garden spot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals; and *Provided further,* That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

Nothing in this determination shall be construed to mean that a producer may qualify for a payment under the said act who has not paid in full the amount agreed upon between the producer and the laborer.

Done at Washington, D. C., this 2nd day of July 1938. Witness my hand and seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-1912; Filed, July 5, 1938; 12:06 p. m.]

DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE FROM SUGARCANE IN TERRITORY OF HAWAII

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, Harry L. Brown, Acting Secretary of Agriculture, do hereby determine that the amount of sugar, raw value, commercially recoverable from the sugarcane grown on a farm in the Territory of Hawaii and marketed (or processed by the producer) for the extraction of sugar shall be calculated by dividing the number of hundredweights of such sugarcane by the cane ratio of such sugarcane determined in accordance with "Methods of Chemical Control for Cane Sugar Factories of the Association of Hawaiian Sugar Technologists, revised 1931," and multiplying the result by the factor 1.02625.

Done at Washington, D. C. this 2nd day of July 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary.

[F. R. Doc. 38-1911; Filed, July 5, 1938; 12:06 p. m.]

DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE FROM SUGARCANE IN PUERTO RICO

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, Harry L. Brown, Acting Secretary of Agriculture, do hereby determine that the amount of sugar commercially recoverable from the sugarcane grown on a farm in Puerto Rico and marketed (or processed by the producer) for the extraction of sugar shall be obtained by multiplying the number of short tons of such sugarcane by the number of hundredweights of sugar, raw value, commercially recoverable per ton of such sugarcane, computed in accordance with the applicable provisions, with respect to recoverable sugar, set forth in the "Determination of Fair and Reasonable Prices for the 1938 Crop of Puerto Rican Sugarcane, Pursuant to the Sugar Act of 1937," issued March 9, 1938.

Done at Washington, D. C., this 5th day of July 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary.

[F. R. Doc. 38-1910; Filed, July 5, 1938; 12:05 p. m.]

TITLE 12—BANKING AND CREDIT

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED STATE NONMEMBER BANKS

RESOLUTION REQUIRING REPORT OF CONDITION

Paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, provides as follows:

Each insured State nonmember bank (except a District bank) shall make to the Corporation reports of condition in such form and at such times as the board of directors may require. The board of directors may require such reports to be published in such manner, not inconsistent with any applicable law, as it may direct. Every such bank which fails to make or publish any such report within such time, not less than five days, as the board of directors may require, shall be subject to a penalty of not more than $100 for each day of such failure recoverable by the Corporation for its use.

Pursuant to the provisions of paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State nonmember bank, except a District bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Thursday, June 30, 1938, on Form No. 64, Call No. 9. Said report of condition shall be prepared in accordance with the instructions set forth in a booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64 and Reports of Earnings and Dividends on Form 73."[1]

[SEAL] E. F. DOWNEY,
Acting Secretary.

[F. R. Doc. 38-1907; Filed, July 5, 1938; 11:33 a. m.]

TITLE 16—COMPETITIVE PRACTICES

FEDERAL TRADE COMMISSION

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2679]

IN THE MATTER OF BLEECKER-FOSTER, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[2] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before W. C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief in support of the complaint (respondent not having submitted a brief, and not having requested oral argument) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Bleecker-Foster, Inc., trading under its own name or under any other trade name, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of food flavors, novelties, toilet preparations and other products, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Representing that salesmen, representatives, or dealers of the respondent, earn "up to $25.00 a day," or any other amount or amounts, whether expressed in terms of money or in words indicative of the same, until and unless such salesmen, representatives or dealers consistently earn such amount or amounts in the ordinary course of business under normal conditions and circumstances.

2. Representing that salesmen, representatives or dealers of the respondent procure a stated number of customers within any specified length of time until and unless such salesmen, representatives or dealers consistently procure such stated number of customers within such specified length of time in the ordinary course of business under normal conditions and circumstances.

3. Representing, through fictitious prices marked or stamped on or affixed to said products, or on the containers thereof, or through any other means or device or in any manner, that said prices so marked, stamped or affixed are the regular or customary retail prices for such products.

4. Representing, as the customary or regular retail prices for such products, prices which are in fact fictitious and greatly in excess of the prices at which said products are regularly and customarily offered for sale and sold at retail.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1899; Filed, July 2, 1938; 12:33 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2717]

IN THE MATTER OF SOFT-LITE LENS COMPANY, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the substituted answer filed herein by respondent on the 17th day of June, 1938, admitting certain of the material allegations of the complaint, for the purpose of this proceeding only and waiving the taking of further evidence and other intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondent, Soft-Lite Lens Company, Inc., has violated the provisions of Section 3 of an Act of Congress, approved October 15, 1914, entitled "An Act to Supplement existing laws against restraints and monopolies and for other purposes";

It is ordered, That respondent, Soft-Lite Lens Company, Inc., a corporation, and its officers, directors, agents and employees, in connection with the manufacture, sale and distribution of optical

[1] Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Federal Deposit Insurance Corporation.

[2] 1 F. R. 1015.

[1] 2 F. R. 165 (201 DI).

lenses in interstate commerce, forthwith cease and desist from:

1. Requiring by oral or written condition, agreement or understanding with any wholesale or retail dealer in optical lenses or blanks, stock dealer or licensee, prescription dealer or licensee, optician, optometrist or oculist, or any other distributor of Soft-Lite lenses purchasing said lenses directly or indirectly from respondent for resale, that he or they will not, while engaged in selling respondent's said lenses, sell or deal in any other lenses of the same type as the Soft-Lite lens, or of a similar tint, color or shade, provided, however, that nothing herein shall require respondent to cease and desist from seeking to prevent the palming off of other lenses similar in color to Soft-Lite lenses as and for Soft-Lite lenses, on purchasers desiring to buy Soft-Lite lenses, or the substitution of such other lenses for Soft-Lite lenses, in connection with the sale of the latter by dealers to users.

It is further ordered, That respondent shall, within thirty (30) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1901; Filed, July 2, 1938; 12:33 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2807]

IN THE MATTER OF UNITED DISTILLERS (OF AMERICA) LTD.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John J. Keenan, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and briefs filed herein in support of the complaint and in opposition thereto (no oral argument having been requested or made) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, United Distillers (of America) Ltd., its officers, representatives, agents, and employees, in connection with the offering for sale, or sale and distribution by it in interstate commerce or in the District of Columbia, of whiskies, gins, or other spirituous beverages, do cease and desist from:

Representing, through the use of the word "Distillers" in its corporate name, on its stationery, advertising, or on the labels attached to the bottles in which it sells and ships said products, or in any way by a word, or words of like import (a) that respondent is a distiller of the said whiskies, wines, liquors, gins, or other spirituous beverages; or (b) that the said whiskies, gins, or other spirituous beverages were by it manufactured through a process of distillation; or (c) that respondent owns, operates or controls a place or places where such products are by it manufactured by a process of original and continuous distillation from mash, wort or wash, through continuous closed pipes and vessels until the manufacture thereof is completed, unless and until respondent shall actually own, operate, or control such a place or places.

It is further ordered, That the said respondent, within sixty (60) days from and after the date of service upon it of this order, shall file with the Commission a report or reports in writing setting forth in detail the manner and form in which it is complying and has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1900; Filed, July 2, 1938; 12:33 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2988]

IN THE MATTER OF SEAGRAM-DISTILLERS CORPORATION AND SEAGRAM-DISTILLERS CORPORATION OF MASSACHUSETTS

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the substituted answer filed herein on May 31, 1938, by respondents Seagram-Distillers Corporation and Seagram-Distillers Corporation of Massachusetts, in which said answer the respondent Seagram-Distillers Corporation admitted all the material allegations against it in said complaint insofar as the same relate to the sale or offering for sale of liquors in the District of Columbia, or the shipping of liquors for resale in the District of Columbia, said admission having been made for the purposes only of this proceeding, and any proceedings which may be brought or instituted under the Federal Trade Commission Act as amended and approved March 21, 1938, for the recovery of penalties therein provided in case of violation hereof; and said respondent Seagram-Distillers Corporation having waived the taking of further evidence and all other intervening procedure; and the respondent Seagram-Distillers Corporation of Massachusetts having neither admitted nor denied the allegations of said complaint as to it, and having affirmatively alleged that it never has and does not now engage in business in the District of Columbia and the Commission having made its findings as to the facts and its conclusion that said respondent Seagram-Distillers Corporation has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Seagram-Distillers Corporation, in connection with the offering for sale of whiskies and other alcoholic beverages in the District of Columbia, and in connection with the shipment of whiskies and other alcoholic beverages into the District of Columbia and their resale therein, do forthwith cease and desist from:

(1) Entering into or enforcing the provisions of any contract, agreement or understanding, verbal or written, with any retailer, jobber, wholesaler or other distributor, the purpose and effect of which is to maintain a specified standard or uniform minimum resale price, discount or "mark-up" at which respondent's said products are to be resold by such retailers, jobbers, wholesalers or other distributors;

(2) Enforcing or attempting to enforce the resale of respondent's said products at specified standard or uniform minimum resale prices, discounts or "mark-ups" by any of the following methods or means:

(a) By reinstating or causing to be reinstated retailers, jobbers, wholesalers or other distributors who have been cut off, upon any agreement or understanding with such retailers, jobbers, wholesalers or other distributors, that respondent's suggested minimum resale prices, discounts or "mark-ups" will thereafter be maintained.

(b) By circulating, or threatening to circulate, among retailers, jobbers, wholesalers or other distributors, reports or lists of those retailers, jobbers, wholesalers or other distributors who have cut prices on respondent's said products.

(c) By combining or agreeing directly or indirectly with any individuals, corporations, firms or partnerships to do or cause to be done any of the aforesaid acts or things.

(d) By combining with retailers, jobbers, wholesalers or other distributors

[1] 2 F. R. 352 (420 DI).

[1] 2 F. R. 694 (817 DI).

with the purpose and effect of exhausting the supply of its products on hand with any other retailers, jobbers, wholesalers or other distributors through the purchase of said supply of its products.

(e) By securing or endeavoring to secure, through contract, agreement or understanding, the active support or cooperation of any wholesaler, retail dealer, association or individual, individually or collectively, in the doing of any of the acts or things hereinabove prohibited.

It is further ordered, That as to the respondent Seagram-Distillers Corporation of Massachusetts, this case be and the same is hereby closed without prejudice to the right of the Commission to reopen the same in the course of its regular procedure should future facts and circumstances so warrant.

It is further ordered, That the said respondent, within sixty (60) days from and after the date of service upon it of this order, shall file with the Commission a report or reports in writing, setting forth in detail the manner and form in which it is complying and has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1902; Filed, July 2, 1938; 12:34 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2989]

IN THE MATTER OF GOODERHAM & WORTS, LTD., A CORPORATION; GREATER NEW YORK LICENSED LIQUOR STORES ASSOCIATION, INC.; D. C. EXCLUSIVE RETAIL LIQUOR DEALERS ASSOCIATION, A CORPORATION; METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A VOLUNTARY UNINCORPORATED ASSOCIATION AND ALL ITS MEMBERS; MATT PATTERSON, INDIVIDUALLY, AND AS PRESIDENT OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; DAVID R. SHIR, INDIVIDUALLY, AND AS SECRETARY OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; WILLIAM S. HUBER, INDIVIDUALLY, AND AS TREASURER OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; SAMUEL LEVY, JOSEPH BALTER, SAMUEL BERKMAN, WILLIAM DORR, BENJAMIN F. FOLSOM, WILLIAM GAFFNEY, JOSEPH HINES, CHARLES H. MAHONEY, A. J. MCDONALD, JOHN MCMORROW, JOHN F. MURPHY, EDWARD O'HEARN, BENJAMIN RODMAN, LOUIS ROSE, EDWARD SLINEY, BENJAMIN STARR, AND JOSEPH A. VESCE, JOINTLY AND SEVERALLY AS REPRESENTATIVE MEMBERS AND AS THE EXECUTIVE COMMITTEE OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; NATIONAL RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A CORPORATION; NEW JERSEY RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A VOLUNTARY UNINCORPORATED ASSOCIATION, ITS OFFICERS, EXECUTIVE COMMITTEE, AND ALL ITS MEMBERS; AUGUSTINE L. WALDRON, INDIVIDUALLY, AND AS PRESIDENT AND MEMBER OF NEW JERSEY RETAIL LIQUOR PACKAGE STORES ASSOCIATION; CONNECTICUT RETAIL LIQUOR PACKAGE STORES ASSOCIATION, INC.; AND NATIONAL INSTITUTE OF WINE & SPIRIT DISTRIBUTORS, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substituted answer filed herein on May 31, 1938, by respondent Gooderham & Worts, Ltd., admitting all the material allegations against it in said complaint insofar as the same relate to the sale or offering for sale of liquors in the District of Columbia or the shipping of liquors for resale in the District of Columbia, except the allegation that it has entered into any unlawful contract, agreement or understanding, or engaged in any unlawful act or practice with the respondent D. C. Exclusive Retail Liquor Dealers Association; said admission having been made for the purposes only of this proceeding and any proceedings which may be brought or instituted under the Federal Trade Commission Act as amended and approved March 21, 1938, for the recovery of penalties therein provided in case of violation hereof; and respondent having waived the taking of further evidence and all other intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Gooderham & Worts, Ltd., in connection with the offering for sale of whiskies and other alcoholic beverages in the District of Columbia, and in connection with the shipment of whiskies and other alcoholic beverages into the District of Columbia for resale therein, do forthwith cease and desist from:

(1) Entering into or enforcing any contract, agreement or understanding, verbal or written, with any retailer, jobber, wholesaler or other distributor, the purpose and effect of which is to maintain a specified standard or uniform minimum resale price, discount, or "mark-up" at which respondent's said products are to be resold by such retailers, jobbers, wholesalers and other distributors;

(2) Enforcing or attempting to enforce the resale of respondent's said products at specified standard or uniform minimum resale prices, discounts or "mark-ups" by any of the following methods or means:

(a) By reinstating or causing to be reinstated retailers, jobbers, wholesalers or other distributors who have been cut off, upon any agreement or understanding with such retailers, jobbers, wholesalers or other distributors, that respondent's suggested minimum resale prices, discounts or "mark-ups" will thereafter be maintained.

(b) By circulating, or threatening to circulate, among retailers, jobbers, wholesalers or other distributors, reports or lists of those retailers, jobbers, wholesalers or other distributors who have cut prices on respondent's said products.

(c) By combining or agreeing directly or indirectly with any individual or association of individuals to do or cause to be done any of the aforesaid acts or things.

(d) By combining with retailers, jobbers, wholesalers or other distributors with the purpose and effect of exhausting the supply of its products on hand with any other retailers, jobbers, wholesalers or other distributors through the purchase of said supply of its products.

(e) By securing or endeavoring to secure, through contract, agreement, or understanding, the active support or cooperation of any wholesaler, retail dealer, association or individual, individually or collectively, in the doing of any of the acts or things hereinabove prohibited.

The acts and practices with which respondent D. C. Exclusive Retail Liquor Dealers Association is charged in the aforesaid complaint having been incorporated and charged in a separate and new complaint against that respondent and others by direction of the Commission of March 21, 1938,

It is further ordered, That the case growing out of the said complaint against the said respondent D. C. Exclusive Retail Liquor Dealers Association be, and the same is hereby closed without prejudice to the right of the Commission to resume prosecution thereof, in accordance with its regular procedure, pursuant to such new complaint.

It further appearing to the Commission that the acts and practices of all the respondents named in the caption hereof other than respondent Gooderham & Worts, Ltd., and respondent D. C. Exclusive Retail Liquor Dealers Association, transpired and occurred either in, or with respect to alcoholic liquors shipped for resale into states or territories having "Fair Trade" laws or public policies in effect therein within the intent and meaning of the Miller-Tydings Act (Title VIII of an Act to Provide Additional Revenue for the District of Columbia, and for other purposes, approved August 17, 1937, H. R. 7472, Public Act 314, 75th Congress, 1st Session),

It is further ordered, That the case growing out of the Commission's complaint against all of the above named respondents other than Gooderham & Worts, Ltd. and D. C. Exclusive Retail

Liquor Dealers Association, be, and the same is hereby closed without prejudice to the right of the Commission to resume prosecution in accordance with its regular procedure whenever future facts and circumstances should appear to so warrant.

It is further ordered, That the said respondent, within sixty (60) days from and after the date of service upon it of this order, shall file with the Commission a report or reports in writing, setting forth in detail the manner and form in which it is complying and has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1903; Filed, July 2, 1938; 12:34 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2990]

IN THE MATTER OF SCHENLEY DISTILLERS CORPORATION; SCHENLEY DISTRIBUTORS, INC.; SCHENLEY PRODUCTS COMPANY, A CORPORATION; AND SCHENLEY DISTRIBUTORS OF NEW ENGLAND, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the substituted answer filed herein on May 31, 1938, by all of the respondents herein, in which said answer the respondents Schenley Distillers Corporation and Schenley Products Company admitted all the material allegations against them in said complaint insofar as the same relate to the sale or offering for sale of liquors in the District of Columbia, or the shipping of liquors for resale in the District of Columbia, said admission having been made for the purposes only of this proceeding, and any proceedings which may be brought or instituted under the Federal Trade Commission Act as amended and approved March 21, 1938, for the recovery of penalties therein provided in case of violation hereof; and said respondents Schenley Distillers Corporation and Schenley Products Company having waived the taking of further evidence and all other intervening procedure, and the respondents Schenley Distributors, Inc., and Schenley Distributors of New England, Inc., having neither admitted nor denied the allegations of said complaint as to them, and having affirmatively alleged that they do not now and never have engaged in business in the District of Columbia; and the Commission having made its findings as to the facts and its conclusion that said respondents Schenley Distillers Corporation and Schenley Products Company have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Schenley Distillers Corporation and Schenley Products Company, a corporation, in connection with the offering for sale of whiskies and other alcoholic beverages in the District of Columbia, and in connection with the shipment of whiskies and other alcoholic beverages into the District of Columbia for resale therein, do forthwith cease and desist from:

(1) Entering into or enforcing the provisions of any contract, agreement or understanding, verbal or written, with any retailer, jobber, wholesaler or other distributor, the purpose and effect of which is to maintain a specified standard or uniform minimum resale price, discount or "mark-up" at which respondent's said products are to be resold by such retailers, jobbers, wholesalers or other distributors;

(2) Enforcing or attempting to enforce the resale of respondent's said products at specified standard or uniform minimum resale prices, discounts or "mark-ups" by any of the following methods or means:

(a) By reinstating or causing to be reinstated retailers, jobbers, wholesalers or other distributors who have been cut off, upon any agreement or understanding with such retailers, jobbers, wholesalers or other distributors, that respondent's suggested minimum resale prices, discounts or "mark-ups" will thereafter be maintained.

(b) By circulating, or threatening to circulate, among retailers, jobbers, wholesalers or other distributors, reports or lists of those retailers, jobbers, wholesalers or other distributors who have cut prices on respondent's said products.

(c) By combining or agreeing directly or indirectly with any individuals, corporations, firms or partnerships to do or cause to be done any of the aforesaid acts or things.

(d) By combining with retailers, jobbers, wholesalers or other distributors with the purpose and effect of exhausting the supply of its products on hand with any other retailers, jobbers, wholesalers or other distributors through the purchase of said supply of its products.

(e) By securing or endeavoring to secure, through contract, agreement or understanding, the active support or cooperation of any wholesaler, retail dealer, association or individual, individually or collectively, in the doing of any of the acts or things hereinabove prohibited.

It is further ordered, That as to the respondents Schenley Distributors, Inc. and Schenley Distributors of New England, Inc. this case be and the same is hereby closed without prejudice to the right of the Commission to reopen the same in the course of its regular procedure should future facts and circumstances so warrant.

It is further ordered, That the said respondents, within sixty (60) days from and after the date of service upon them of this order, shall file with the commission a report or reports in writing, setting forth in detail the manner and form in which they are complying and have complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1904; Filed, July 2, 1938; 12:35 p. m.]

[1] 2 F. R. 953 (1134 DI).

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2991]

IN THE MATTER OF HIRAM WALKER, INC.; GREATER NEW YORK LICENSED LIQUOR STORES ASSOCIATION, INC.; D. C. EXCLUSIVE RETAIL LIQUOR DEALERS ASSOCIATION, A CORPORATION; METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A VOLUNTARY UNINCORPORATED ASSOCIATION AND ALL ITS MEMBERS; MATT PATTERSON, INDIVIDUALLY, AND AS PRESIDENT OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; DAVID R. SHIR, INDIVIDUALLY, AND AS SECRETARY OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; WILLIAM S. HUBER, INDIVIDUALLY, AND AS TREASURER OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; SAMUEL LEVY, JOSEPH BALTER, SAMUEL BERKMAN, WILLIAM DORR, BENJAMIN F. FOLSOM, WILLIAM GAFFNEY, JOSEPH HINES, CHARLES H. MAHONEY, A. J. MCDONALD, JOHN MCMORROW, JOHN F. MURPHY, EDWARD O'HEARN, BENJAMIN RODMAN, LOUIS ROSE, EDWARD SLINEY, BENJAMIN STARR, AND JOSEPH A. VESCE JOINTLY AND SEVERALLY AS REPRESENTATIVE MEMBERS AND AS THE EXECUTIVE COMMITTEE OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; NATIONAL RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A CORPORATION; NEW JERSEY RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A VOLUNTARY UNINCORPORATED ASSOCIATION, ITS OFFICERS, EXECUTIVE COMMITTEE, AND ALL ITS MEMBERS; AUGUSTINE L. WALDRON, INDIVIDUALLY, AND AS PRESIDENT AND MEMBER OF NEW JERSEY RETAIL LIQUOR PACKAGE STORES ASSOCIATION; CONNECTICUT RETAIL LIQUOR

PACKAGE STORES ASSOCIATION, INC.; AND NATIONAL INSTITUTE OF WINE & SPIRIT DISTRIBUTORS, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substituted answer filed herein on May 31, 1938, by respondent Hiram Walker, Inc., admitting all the material allegations against it in said complaint insofar as the same relate to the sale or offering for sale of liquors in the District of Columbia or the shipping of liquors for resale in the District of Columbia, except the allegations that it has entered into any unlawful contract, agreement or understanding, or engaged in any unlawful act or practice with the respondent D. C. Exclusive Retail Liquor Dealers Association; said admission having been made for the purposes only of this proceeding, and any proceedings which may be brought or instituted under the Federal Trade Commission Act as amended and approved March 21, 1938, for the recovery of penalties therein provided in case of violation hereof; and respondent having waived the taking of further evidence and all other intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Hiram Walker Incorporated, its agents, salesmen and employees, in connection with the offering for sale, sale and distribution of whiskies and other alcoholic beverages in the District of Columbia, and in connection with whiskies and other alcoholic beverages to be transported into the District of Columbia for resale therein, do forthwith cease and desist from:

(1) Entering into or enforcing any contract, agreement or understanding, verbal or written, with any retailer, jobber, wholesaler or other distributor, the purpose and effect of which is to maintain a specified standard or uniform minimum resale price, discount or "mark-up" at which respondent's said products are to be resold by such retailers, jobbers, wholesalers or other distributors;

(2) Enforcing or attempting to enforce the resale of respondent's said products at specified standard or uniform minimum resale prices, discounts or "mark-ups" by any of the following methods or means:

(a) By reinstating or causing to be reinstated retailers, jobbers, wholesalers or other distributors who have been cut off, upon any agreement or understanding with such retailers, jobbers, wholesalers or other distributors, that respondent's suggested minimum resale prices, discounts or "mark-ups" will thereafter be maintained.

(b) By circulating, or threatening to circulate, among retailers, jobbers, wholesalers or other distributors, reports or lists of those retailers, jobbers, wholesalers or other distributors who have cut prices on respondent's said products.

(c) By combining or agreeing directly or indirectly with any individual or association of individuals to do or cause to be done any of the aforesaid acts or things.

(d) By combining with retailers, jobbers, wholesalers or other distributors with the purpose and effect of exhausting the supply of its products on hand with any other retailers, jobbers, wholesalers or other distributors through the purchase of said supply of its products.

(e) By securing or endeavoring to secure, through contract, agreement or understanding, the active support or cooperation of, any wholesaler, retail dealer, association, or individual, individually or collectively, in the doing of any of the acts or things hereinabove prohibited.

The acts and practices with which respondent D. C. Exclusive Retail Liquor Dealers Association is charged in the aforesaid complaint having been incorporated and charged in a separate and new complaint against that respondent and others by direction of the Commission of March 21, 1938,

It is further ordered, That the case growing out of the said complaint against the said respondent D. C. Exclusive Retail Liquor Dealers Association be, and the same is hereby closed without prejudice to the right of the Commission to resume prosecution thereof, in accordance with its regular procedure, pursuant to such new complaint.

It further appearing to the Commission that the acts and practices of all the respondents named in the caption hereof other than respondent Hiram Walker, Inc. and respondent D. C. Exclusive Retail Liquor Dealers Association, transpired and occurred either in, or with respect to alcoholic liquors shipped for resale into states or territories having "Fair Trade" laws or public policies in effect therein within the intent and meaning of the Miller-Tydings Act (Title VIII of an Act to Provide Additional Revenue for the District of Columbia, and for other purposes, approved August 17, 1937, H. R. 7472, Public Act 314, 75th Congress, 1st Session),

It is further ordered, That the case growing out of the Commission's complaint against all of the above named respondents other than Hiram Walker, Inc. and D. C. Exclusive Retail Liquor Dealers Association, be, and the same is hereby closed without prejudice, to the right of the Commission to resume prosecution in accordance with its regular procedure whenever future facts and circumstances should appear to so warrant.

It is further ordered, That the said respondent, within sixty (60) days from and after the date of service upon it of this order, shall file with the Commission a report or reports in writing, setting forth in detail the manner and form in which it is complying and has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1905; Filed, July 2, 1938; 12:35 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2992]

IN THE MATTER OF NATIONAL DISTILLERS PRODUCTS CORPORATION; GREATER NEW YORK LICENSED LIQUOR STORES ASSOCIATION, INC.; D. C. EXCLUSIVE RETAIL LIQUOR DEALERS ASSOCIATION, A CORPORATION; METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A VOLUNTARY UNINCORPORATED ASSOCIATION AND ALL ITS MEMBERS; MATT PATTERSON, INDIVIDUALLY, AND AS PRESIDENT OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; DAVID R. SHIR, INDIVIDUALLY, AND AS SECRETARY OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; WILLIAM S. HUBER, INDIVIDUALLY, AND AS TREASURER OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; SAMUEL LEVY, JOSEPH BALTER, SAMUEL BERKMAN, WILLIAM DORR, BENJAMIN F. FOLSOM, WILLIAM GAFFNEY, JOSEPH HINES, CHARLES H. MAHONEY, A. J. MCDONALD, JOHN MCMORROW, JOHN F. MURPHY, EDWARD O'HEARN, BENJAMIN RODMAN, LOUIS ROSE, EDWARD SLINEY, BENJAMIN STARR AND JOSEPH A. VESCE, JOINTLY AND SEVERALLY AS REPRESENTATIVE MEMBERS AND AS THE EXECUTIVE COMMITTEE OF METROPOLITAN BOSTON RETAIL LIQUOR PACKAGE STORES ASSOCIATION; NATIONAL RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A CORPORATION; NEW JERSEY RETAIL LIQUOR PACKAGE STORES ASSOCIATION, A VOLUNTARY UNINCORPORATED ASSOCIATION, ITS OFFICERS, EXECUTIVE COMMITTEE, AND ALL ITS MEMBERS; AUGUSTINE L. WALDRON, INDIVIDUALLY, AND AS PRESIDENT AND MEMBER OF NEW JERSEY RETAIL LIQUOR PACKAGE STORES ASSOCIATION; CONNECTICUT RETAIL LIQUOR PACKAGE STORES ASSOCIATION, INC.; AND NATIONAL INSTITUTE OF WINE & SPIRIT DISTRIBUTORS, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer filed herein on May 31, 1938, by respondent National Distillers Products Corporation, admitting all the material allegations of the complaint, insofar as

the same relate to the sale or offering for sale of liquors in the District of Columbia or the shipping of liquors for resale in the District of Columbia, except the allegation that it has entered into any unlawful contract, agreement or understanding, or engaged in any unlawful act or practice, with the respondent D. C. Exclusive Retail Liquor Dealers Association; said admission having been made for the purposes only of this proceeding, and any proceedings which may be brought or instituted under the Federal Trade Commission Act as amended and approved March 21, 1938, for the recovery of penalties therein provided in case of violation hereof; and respondent having waived the taking of further evidence and all other intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent National Distillers Products Corporation, its agents, salesmen and employees, in connection with the offering for sale, sale and distribution of whiskies and other alcoholic beverages in the District of Columbia, and in connection with whiskies and other alcoholic beverages, to be transported into the District of Columbia for resale therein, do forthwith cease and desist from:

(1) Entering into or enforcing any contract, agreement or understanding, verbal or written, with any retailer, jobber, wholesale or other distributor, the purpose and effect of which is to maintain a specified standard or uniform minimum resale price, discount or "mark-up" at which respondent's said products are to be resold by such retailers, jobbers, wholesalers or other distributors;

(2) Enforcing or attempting to enforce the resale of respondent's said products at specified standard or uniform minimum resale prices, discounts or "mark-ups" by any of the following methods or means:

(a) By reinstating or causing to be reinstated retailers, jobbers, wholesalers or other distributors who have been cut off, upon any agreement or understanding with such retailers, jobbers, wholesalers or other distributors, that respondent's suggested minimum resale prices, discounts or "mark-ups" will thereafter be maintained.

(b) By circulating, or threatening to circulate, among retailers, jobbers, wholesalers or other distributors, reports or lists of those retailers, jobbers, wholesalers or other distributors who have cut prices on respondent's said products.

(c) By combining or agreeing directly or indirectly with any individual or association of individuals to do or cause to be done any of the aforesaid acts or things.

(d) By combining with retailers, jobbers, wholesalers or other distributors with the purpose and effect of exhausting the supply of its products on hand with any other retailers, jobbers, wholesalers or other distributors through the purchase of said supply of its products.

(e) By securing or endeavoring to secure, through contract, agreement or understanding, the active support or cooperation of any wholesaler, retail dealer, association or individual, individually or collectively, in the doing of any of the acts or things hereinabove prohibited.

The acts and practices with which respondent D. C. Exclusive Retail Liquor Dealers Association is charged in the aforesaid complaint having been incorporated and charged in a separate and new complaint against that respondent and others by direction of the Commission of March 21, 1938.

It is further ordered, That the case growing out of the said complaint against the said respondent D. C. Exclusive Retail Liquor Dealers Association be, and the same is hereby closed without prejudice to the right of the Commission to resume prosecution thereof, in accordance with its regular procedure, pursuant to such new complaint.

It further appearing to the Commission that the acts and practices of all the respondents named in the caption hereof other than respondent National Distillers Products Corporation and respondent D. C. Exclusive Retail Liquor Dealers Association, transpired and occurred either in, or with respect to alcoholic liquors shipped for resale into states or territories having "Fair Trade" laws or public policies in effect therein within the intent and meaning of the Miller-Tydings Act (Title VIII of an Act to Provide Additional Revenue for the District of Columbia, and for other purposes, approved August 17, 1937, H. R. 7472, Public Act 314, 75th Congress, 1st Session),

It is further ordered, That the case growing out of the Commission's complaint against all of the above named respondents other than National Distillers Products Corporation and D. C. Exclusive Retail Liquor Dealers Association, be and the same is hereby closed without prejudice to the right of the Commission to resume prosecution in accordance with its regular procedure whenever future facts and circumstances should appear to so warrant.

It is further ordered, That the said respondent, within sixty (60) days from and after the date of service upon it of this order, shall file with the Commission a report or reports in writing, setting forth in detail the manner and form in which it is complying and has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1906; Filed, July 2, 1938; 12:36 p. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49643]

REGULATIONS GOVERNING THE ASSESSMENT AND COLLECTION OF TAXES ON IMPORTATIONS OF CERTAIN OILS AND OTHER PRODUCTS[1]

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 161 of the Revised Statutes (U. S. C. title 5, sec. 22), sections 481 and 624 of the Tariff Act of 1930 (U. S. C. title 19, secs. 1481 and 1624), and section 601 (c) (8) of the Revenue Act of 1932 (U. S. C., Sup. III, title 26, sec. 999a), as amended by section 702 of the Revenue Act of 1938 (Public, No. 554, 75th Congress), the following regulations are hereby promulgated for your information and guidance:

Section 601 (a) of the Revenue Act of 1932 (47 Stat. 259).

In addition to any other tax or duty imposed by law, there shall be imposed a tax as provided in subsection (c) on every article imported into the United States unless treaty provisions of the United States otherwise provide.

Sections 701, 702, and 704 of the Revenue Act of 1938 (Public, No. 554, 75th Congress).

SECTION 701. *Termination of certain excise taxes.*

* * * * *

(1) *Brewer's wort, malt syrup, etc.*—The tax imposed by section 601 (c) (2), as amended, of the Revenue Act of 1932 shall not apply to articles sold or imported after June 30, 1938.

SECTION 702. *Tax on certain oils.*—(a) Section 601 (c) (8) of the Revenue Act of 1932, as amended, is amended to read as follows:

"(8) (A) Whale oil (except sperm oil), fish oil (except cod oil, cod-liver oil, and halibut-liver oil), marine-animal oil, tallow, inedible animal oils, inedible animal fats, inedible animal greases, fatty acids derived from any of the foregoing, and salts of any of the foregoing; all the foregoing, whether or not refined, sulphonated, sulphated, hydrogenated, or otherwise processed, 3 cents per pound: *Provided*, That no whale oil (except sperm oil), fish oil, or marine-animal oil of any kind (whether or not refined, sulphonated, sulphated, hydrogenated or otherwise processed), or fatty acids derived therefrom, shall be admitted to entry, after June 30, 1939, free from the tax herein provided unless such oil was produced on vessels of the United States or in the United States or its possessions,

[1] Imposed by section 601 (c) (8), Revenue Act of 1932, 47 Stat. 259, as amended by section 602, Revenue Act of 1934, 48 Stat. 762, and sections 701, 703, and 704 of the Revenue Act of 1936, 49 Stat. 1742-3 (U. S. C., Sup. III, title 26, sec. 999a), as amended by the Revenue Act of 1938 (Public, No. 554, 75th Congress).

from whales, fish, or marine animals or parts thereof taken and captured by vessels of the United States;

"(B) Sesame oil provided for in paragraph 1732 of the Tariff Act of 1930, sunflower oil, rapeseed oil, kapok oil, hempseed oil, perilla oil, fatty acids derived from any of the foregoing or from linseed oil, and salts of any of the foregoing; all the foregoing, whether or not refined, sulphonated, sulphated, hydrogenated, or otherwise processed, 4½ cents per pound;

"(C) Any article, merchandise, or combination (except oils specified in section 602½ of the Revenue Act of 1934, as amended),[1] 10 per centum or more of the quantity by weight of which consists of, or is derived directly or indirectly from, one or more of the products specified above in this paragraph or of the oils, fatty acids, or salts specified in section 602½ of the Revenue Act of 1934, as amended,[2] a tax at the rate or rates per pound equal to that proportion of the rate or rates prescribed in this paragraph or such section 602½ in respect of such product or products which the quantity by weight of the imported article, merchandise, or combination, consisting of or derived from such product or products, bears to the total weight of the imported article, merchandise, or combination; but there shall not be taxable under this subparagraph any article, merchandise, or combination (other than an oil, fat, or grease, and other than products resulting from processing seeds without full commercial extraction of the oil content), by reason of the presence therein of an oil, fat, or grease which is a natural component of such article, merchandise, or combination and has never had a separate existence as an oil, fat, or grease;

"(D) Hempseed, 1.24 cents per pound, perilla seed, 1.38 cents per pound; kapok seed, 2 cents per pound; rapeseed, 2 cents per pound; and sesame seed, 1.18 cents per pound;

"(E) The tax on the articles described in this paragraph shall apply only with respect to the importation of such articles after the date of the enactment of the Revenue Act of 1934, and shall not be subject to the provisions of subsection (b) (4) of this section (prohibiting drawback) or section 629 (relating to expiration of taxes).

"(F) The tax imposed under subparagraph (B) shall not apply to rapeseed oil imported to be used in the manufacture of rubber substitutes or lubricating oil, and the Commissioner of Customs shall, with the approval of the Secretary, prescribe methods and regulations to carry out this subparagraph.

"(G) The taxes imposed by this section shall not apply to any article, merchandise, or combination, by reason of the presence therein of any coconut oil produced in Guam or American Samoa or any direct or indirect derivative of such oil."

(b) Section 601 (b) (5) of the Revenue Act of 1932, as amended, is amended to read as follows:

"(5) Such tax (except tax under subsection (c) (4) to (7), inclusive, and except as specifically provided in subsection (c) (8) (G) with reference to certain products of Guam and American Samoa) shall be imposed in full notwithstanding any provision of law granting exemption from or reduction of duties to products of any possession of the United States; and for the purposes of taxes under subsection (c) (4) to (7), inclusive, the term 'United States' includes Puerto Rico."

(c) The amendments made by this section shall be effective July 1, 1938.

SECTION 704. *Amendments to tax on lumber.*—(a) Section 601 (c) (6) of the Revenue Act of 1932 is further amended by adding at the end thereof the following: "In determining board measure for the purposes of this paragraph no deduction shall be made on account of planing, tonguing, and grooving. As used in this paragraph, the term 'lumber' includes sawed timber."

(b) Each sentence of the amendment made by subsection (a) shall become effective (1) on the sixtieth day after the date of the enactment of this Act unless in conflict with any international obligation of the United States or (2) if so in conflict, then on the termination of such obligation otherwise than in connection with the undertaking by the United States of a new obligation which continues such conflict.

(c) Section 601 (c) (6) of the Revenue Act of 1932 is further amended by inserting after the amendment made by subsection (a) of this section the following: "The tax imposed by this paragraph shall not apply to lumber of Northern white pine (pinus strobus), Norway pine (pinus resinosa), and Western white spruce."

(d) The amendment made by subsection (c) shall be effective July 1, 1938.

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(1) Entries covering imported brewer's wort, liquid malt, malt syrup, and malt extract, fluid, solid, or condensed, made from malted cereal grains in whole or in part, arriving on or after July 1, 1938, at a port of entry with intent there to unlade, shall be liquidated without assessment of the import tax prescribed by section 601 (c) (2) of the Revenue Act of 1932, as amended.

(2) The taxes prescribed by section 601 (c) (8), as amended by section 702 of the Revenue Act of 1938, *supra*, apply to articles entered for consumption or withdrawn from warehouse for consumption on or after July 1, 1938, except that no tax should be collected under the said section on articles which arrived prior to May 11, 1934, within the limits of a port of entry with intent there to unlade.

(3) The taxes imposed by section 601 (c) (8), as amended, shall be levied, assessed, collected, and paid in accordance with the Customs Regulations of 1937 as heretofore or hereafter amended, in so far as they are applicable, and shall be scheduled, deposited, reported, and accounted for as, and with other collections of duties on imports, in the same manner as duties imposed by the Tariff Act of 1930, as amended (U. S. C., title 19, sec. 1001).

(4) The provisions of the first clause of section 601 (b) (5) of the Revenue Act of 1932, as amended, will remain in force in so far as they may affect the collection of the taxes provided for in section 601 (c) (8), as amended. The taxes collected under this section will be subject to drawback under the same conditions as duties paid under the Tariff Act of 1930.

(5) In the case of any article, merchandise, or combination subject to a tax under section 601 (c) (8), as amended, not less than 10% of the quantity by weight of which consists of or is derived directly or indirectly from one or more of the products (except seeds) specified in the said section or of the oils, fatty acids or salts specified in section 602½ of the Revenue Act of 1934 (U. S. C. title 26, sec. 999), as amended by section 702 of the Revenue Act of 1936, the appraising officer shall indicate in his return the percentage of the total net weight of the imported article which consists of or is derived directly or indirectly from each of the products above mentioned. If the facts for the assessment of duty can not be determined from an examination of the imported article or from other available sources, the maximum tax likely to be due shall be collected and the liquidation of the entry suspended for a reasonable time to enable the importer to furnish the necessary information.

Coconut oil, palm oil, and palm-kernel oil, whether or not refined, sulphonated, sulphated, hydrogenated, or otherwise processed, so long as they are oils of the kinds mentioned, are not subject to import tax under section 601 (c) (8) of the Revenue Act of 1932, as amended. Any article, merchandise, or combination of the character provided for in that section, 10% or more of the quantity by weight of which consists of or is derived directly or indirectly from one or more of the above-named oils, fatty acids derived therefrom, or salts of the foregoing, when entered for consumption or withdrawn from warehouse for consumption on or after July 1, 1938, will be subject to a tax at the rate or rates

[1] Coconut oil, palm oil, and palm-kernel oil (whether or not refined, sulphonated, sulphated, hydrogenated, or otherwise processed).

[2] Coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts of any of the foregoing (whether or not such oils, fatty acids, or salts have been refined, sulphonated, sulphated, hydrogenated, or otherwise processed).

per pound equal to that proportion of the rate or rates prescribed in section 602½ of the Revenue Act of 1934, as amended, in respect of such oil, fatty acid, or salt which the quantity by weight of the imported article consisting of or derived from such oil, fatty acid, or salt bears to the total weight of the imported article. T. Ds. 48469 and 49161 (8) (a) are accordingly hereby modified to the extent herein indicated, and the rule set forth in T. D. 49161 (8) (b) is extended, effective July 1, 1938, to cover articles 10% or more of which consists of or is derived from coconut oil, palm oil, or palm-kernel oil, fatty acids derived from such oils, and salts of the foregoing. This rule also continues applicable to any article, merchandise, or combination 10% or more by weight of which consists of or is derived from one or more of the products (except seeds) specified in section 601 (c) (8), as amended.

(6) In conformity with the provisions of section 601 (c) (8), subparagraph (F), rapeseed oil imported to be used in the manufacture of rubber substitutes or lubricating oil may be released without deposit of the import tax imposed under subparagraph (B) upon compliance with the following conditions:

(a) There shall be filed in connection with the entry an affidavit of the importer that such rapeseed oil is imported to be used in the manufacture of rubber substitutes or lubricating oil.

(b) If the oil is entered for consumption there shall also be filed in connection with the entry a bond on customs Form 7551 or 7553 with an added condition, concurred in by the surety, for the payment of the tax prescribed by subparagraph (B) in the event the rapeseed oil is not used in the manufacture of rubber substitutes or lubricating oil. If the importer has on file a general term bond for the entry of merchandise, as provided for in article 1253 of the Customs Regulations 1937,[1] the rapeseed oil may be charged against such bond provided there is added thereto, with the concurrence of the surety, the beforementioned condition. When the rapeseed oil is entered for warehouse the regular warehouse entry bond, customs Form 7555, shall be given, unless the importation is charged against a general term bond for the entry of merchandise, customs Form 7595, and withdrawals shall be made on customs Form 7506. Liquidation of the consumption entries and warehouse entries shall be suspended pending the submission of proof that the rapeseed oil has been used in the manufacture of rubber substitutes or lubricating oil.

(c) Within three years from the date of entry (in the case of warehouse entries as well as consumption entries) the importer shall submit to the collector of customs at the port of entry an affidavit of the superintendent or manager of the factory or plant at which the rapeseed oil has been processed, showing: (1) The name and location of the factory or plant; (2) the entry number, date, and port of entry (if the factory or plant is not in possession of this information a reference to invoices, purchase orders or other documents which link the shipment with the entry may be substituted); (3) the date or inclusive dates of the processing of the oil; and (4) a description of the processing in sufficient detail to enable the collector to determine whether the rapeseed oil in question has been used in the manufacture of rubber substitutes or lubricating oil.

In appropriate cases the processing of rapeseed oil covered by more than one entry may be included in one affidavit. Such affidavits shall be based on adequate and carefully kept factory, plant, and import records, which shall be available at all reasonable times for inspection by proper officers of the Government. The affidavits shall be filed in duplicate, one copy to be forwarded to the comptroller of customs.

(d) Upon satisfactory proof that the rapeseed oil has been used in the manufacture of rubber substitutes or lubricating oil the entry may be liquidated free of the import tax imposed by section 601 (c) (8) (B), *supra*. When such proof is not filed within three years from the date of the entry, the entry shall be liquidated with the assessment of the import tax.

(7) Upon the presentation of satisfactory proof, the tax imposed by section 601 (c) (8) (C) shall not be assessed on any article, merchandise, or combination by reason of the presence therein of any coconut oil produced in Guam or American Samoa, or any direct or indirect derivative of such oil.

(8) With respect to lumber claimed to be exempt by reason of section 704 (c) of the Revenue Act of 1938 from the import tax imposed by section 601 (c) (6) of the Revenue Act of 1932, as amended, which exemption applies to such lumber entered for consumption or withdrawn from warehouse for consumption on or after July 1, 1938, there shall be filed in connection with the entry, preferably on the invoice filed with the entry, a declaration of the shipper or other person having actual knowledge of the facts, as to the species of the lumber comprising the shipment, that is, whether it is Northern white pine (pinus strobus), Norway pine (pinus resinosa), or Western white spruce, and in the case of Western white spruce the declaration shall contain in addition a statement as to the locality of origin of the wood from which the lumber was produced.

[SEAL] J. H. MOYLE,
Commissioner of Customs.

Approved, June 29, 1938.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1691; Filed, July 2, 1938; 11:02 a. m.]

[1] 2 F. R. 1720 (2014 DI).

TITLE 42—PUBLIC HEALTH, WELFARE, AND EDUCATION

PUBLIC HEALTH SERVICE

REGULATIONS OF THE SURGEON GENERAL GOVERNING ALLOTMENTS AND PAYMENTS TO STATES FROM FUNDS APPROPRIATED UNDER THE PROVISIONS OF SECTION 601, SOCIAL SECURITY ACT, FOR THE FISCAL YEAR 1939

I. *Compliance with law and regulations.*—In order that funds allotted to the States may be of maximum use in assisting States, municipalities, counties, and health districts, and other political sub-divisions of the States, in establishing and maintaining adequate public health service, payments made to a State under authority of Title VI of the Social Security Act will be certified by the Surgeon General only after such State has complied with the provisions of the Act and the Regulations authorized thereunder.

II. *Allotments.*—The Surgeon General pursuant to the authority contained in Title VI of the Social Security Act shall allot the total amount available for the fiscal year 1939 to the several States, including the District of Columbia, Alaska, and Hawaii on the basis of (1) the population, (2) the extent of special health problems, and (3) the financial needs of the respective States, "in establishing and maintaining adequate public health services" in accordance with the following percentage distribution:

(1) *Population.*—Allotments amounting to 34.1 percent of the available appropriations will be made to the several States in the ratio which the population of each State bears to the population of the United States as shown by the Census Bureau 1937 mid-year population estimates.

(2) *Special health problems.*—Allotments amounting to 31.8 per cent of available appropriations will be made to the several States on the basis of special health problems including the training of personnel, as determined by the Surgeon General.

The term "special health problems" shall be interpreted to mean necessity arising out of (a) high morbidity or mortality on a State-wide basis from particular causes, such as malaria, hookworm disease, bubonic plague, trachoma, typhus fever, and similar geographically limited diseases or other conditions that result in inequality of exposure to public health hazards among the States; (b) special industrial hazards; and (c) other special conditions which create unequal burdens in the administration of equal public health services among the States.

(3) *Financial needs.*—Allotments amounting to 34.1 per cent of available appropriations will be made to the several States on the basis of the financial needs of such States, which is determined to be the ability of the State to raise revenue expressed indirectly in terms of per capita income.

III. *Balances from allotments.*—Unpaid balances from allotments at the end of the fiscal year shall not be paid but shall remain in the appropriation for reallotment to the States in the succeeding fiscal year in accordance with the provisions of Subsection (b), Section 602, of the Social Security Act.

IV. *Balances from payments.*—Unexpended balances remaining from quarterly payments made to the States in accordance with the provisions of Subsection (c), Section 602, of the Social Security Act during the fiscal year ending June 30, 1939, or any previous fiscal year, may be retained by the States and utilized for carrying out the purposes for which such funds were allotted and paid, subject to the following conditions:

(1) Balances required under these regulations to be matched with State or local funds must be so matched before they are expended.

(2) Itemized budgets for the expenditure of such balances must be submitted and approved prior to such expenditure.

(3) In those instances where unexpended balances have accumulated the Surgeon General may, in his discretion, make deductions from payments due in a subsequent quarter in the amount of such unexpended balances. Funds so deducted from the payment to a State may be paid to a State in the discretion of the Surgeon General in any subsequent quarter upon the submission and approval of budgets.

V. *Submission of plans.*—To be eligible to receive payments from allotments each State shall submit to the Surgeon General:

(1) A comprehensive statement of any changes in the State health organization, programs and budget since the last outline of such organization, programs and budget was filed. This statement should include activities initiated through the use of Social Security funds.

(2) A proposed plan for extending and improving the administrative functions of the State department of health.

(3) A proposed plan for extending and improving local (county, district, city) health services to be carried out with the assistance of funds available under the provisions of Title VI of the Social Security Act.

VI. *Submission and approval of budgets.*—Before payments shall be made to any State, the State health officer shall:

(1) Submit to the Surgeon General and secure approval of a proposed budget, for each project, on forms supplied by the Public Health Service. The budget shall show the sources, proposed uses, and amounts of all funds, the amounts requested from the Public Health Service for the fiscal year, together with such other information relating to such proposed project as the Surgeon General may require. The application for quarterly payment to a State shall include only those funds required for financing budgets actually in force, or which definitely will become operative, in the quarter for which payment is requested.

(2) Certify that State and local expenditures have not been replaced or curtailed through the use of federal funds.

VII. *Budgets subsequent to July 1, 1938.*—Budgets for new projects and revised budgets for existing projects may be submitted in any quarter after the beginning of the fiscal year, but such budgets will not be made effective prior to the beginning of the next succeeding quarter; provided, that exceptions to this rule may be made by the Surgeon General, when necessary, to meet emergencies.

VIII. *Existing appropriations not to be replaced.*—No funds paid to a State pursuant to Title VI of the Social Security Act shall be used to replace State or local funds in such a way as to affect a conservation or reduction of appropriations for health work by State and local governmental agencies.

IX. *Matching requirements.* — Allotments to the several States shall be available for payment when matched by State or local public funds appropriated and expended for public health work, as follows:

(1) The amount of funds (old and new) necessary to meet matching requirements for 1939 shall be the same as those determined in 1937 in accordance with the regulations for that year.

(2) The Surgeon General, in his discretion, may waive matching requirements in those States wherein the per capita [1] appropriation for the State health department (exclusive of funds for the maintenance of institutions) exceeds the average per capita appropriations of all of the States for the same purposes.

X. *Training of personnel.*—In order to meet the needs for properly qualified professional and technical personnel with which to conduct effectively the State and local health services, the sum of $947,500 shall be set aside for the fiscal year 1939 and allotted to the several States for this purpose. Of this sum $827,000 shall be allotted among the several States as far as practicable to meet in full the training demands as submitted by the State health officers. The sum of $120,500 shall be allotted for approved training centers.

Funds paid to a State for the training of personnel may be used to pay living stipends, tuition, and traveling expenses of personnel employed or to be employed in the State and local health services, such training period not to exceed one year for any individual.

The Surgeon General will specify to the States the maximum allowances for stipends, traveling and other permissible items of expense for the training of personnel with Public Health Service funds.

These funds may also be used to aid training centers in the equipment and maintenance of training courses.

XI. *Method of payment to States and custody of funds.*—Subject to the approval of the Secretary of the Treasury, payments shall be made in quarterly installments, to the Treasurer of the State or other State official authorized by law to receive such funds.

All such payments shall be held by the State official to whom made in a separate fund distinct from other State funds and shall be disbursed by him solely for the purposes specified in budgets approved by the State health officer and the Surgeon General and filed with such official.

XII. *Financial reports.*—The State health officer shall submit and certify to the Surgeon General on forms provided for that purpose financial reports as follows:

(1) A quarterly project financial report for each budget in force, which shall show the actual amount of expenditure of Public Health Service funds, of State, and of local funds budgeted, and such other information as the Surgeon General may from time to time require.

(2) A consolidated quarterly report summarizing all budget expenditures of Public Health Service, of State, and of local funds, and such other information as the Surgeon General may from time to time require.

(3) An annual report of all State expenditures for public health purposes, showing by appropriations all such State expenditures for the latest State fiscal year ended on or before December 31, 1938. This report must be certified also by the Treasurer or other State official charged with the responsibility for disbursing State health department funds.

XIII. *Progress reports of activities.*—Reports of activities will be required by the Public Health Service from each State health department as follows:

(1) Activities of central administration pursuant to approved budgets shall be reported annually in duplicate and may be submitted in narrative form.

(2) A copy of the progress report from each local health project pursuant to approved budgets shall be furnished quarterly to the Regional Office on forms of the State health department.

(3) A consolidated summary report for all local projects pursuant to approved budgets shall be made quarterly to the Surgeon General on forms provided by the Public Health Service for that purpose.

The listing of certain items on the summary report form referred to above should not be interpreted as requiring that all such activities be carried out in every local health project. Also, other activities not listed on the report form should be reported in an appropriate manner.

[1] To be calculated on the Census Bureau 1937 mid-year estimate of population.

Statistical reports may be submitted with narrative reports wherever considered desirable by the State health officer.

XIV. *Reports of activities from other agencies not required.*—No detailed reports of activities will be required for personnel paid from funds supplied by other agencies.

[SEAL] THOMAS PARRAN,
Surgeon General.

JUNE 21, 1938.

[F. R. Doc. 38-1890; Filed, July 2, 1938; 11:02 a. m.]

TITLE 45—SECURITIES AND EXCHANGES

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE X-UB2

The Securities and Exchange Commission, finding that Rule X-UB2 [sec. 10.X-UB2], as herein amended, is necessary and appropriate in the public interest and for the proper protection of investors and necessary for the exercise of the functions vested in the Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 23 (a) and 24 (b) thereof [ch. 404, sec. 23, 48 Stat. 901; ch. 462, sec. 8, 49 Stat. 1379; 15 U. S. C., 78w and Sup. III: ch. 404, sec. 24, 48 Stat. 901; 15 U. S. C. 78x], hereby amends paragraph (e) of Rule X-UB2 [sec. 10.X-UB2] to read as follows:

(e) Prior to any determination overruling the objection, if a hearing shall have been requested in accordance with paragraph (b), at least ten days' notice of the time and place of such hearing will be given by registered mail to the person or his agent for service. Failure of any person making an application pursuant to paragraph (b) to request a hearing, to appear at such hearing, or to offer evidence at the hearing in support of his application, shall be deemed a consent by such person to the submission of his objection for determination by the Commission. In any case in which a hearing has been held, the Commission need consider only such grounds of objection as shall have been supported by evidence adduced at the hearing and the failure at the hearing to adduce evidence in support of any ground of objection may be deemed by the Commission a waiver thereof.

The foregoing action shall be effective immediately upon publication.[1]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1893; Filed, July 2, 1938; 11:36 a. m.]

[1] July 1, 1938.

Notices

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC 20]

ORDER RELATIVE TO MOTOR CARRIER RATES IN NEW YORK, NEW JERSEY, PENNSYLVANIA, AND DELAWARE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of July, A. D. 1938.

It appearing, That additional information relative to income statements of Class I common carriers of property (carriers which have gross revenue of $100,000.00 or over annually from both intrastate and interstate motor carrier operations) submitted in response to the Commission's order of May 21, 1938,[1] is necessary and desirable in the determination of matters covered by the above-entitled proceeding:

It is ordered, That each Class I common carrier of property by motor vehicle which is a respondent in this proceeding submit to the Commission at its offices in Washington, D. C., on or before July 13, 1938, statements of operation and maintenance expenses for the year 1937 and for the three months ending March 31, 1938, or for the first three periods in 1938 instead of the three months ending March 31, 1938, in the case of those carriers which keep their accounts on a four-week period basis;

It is further ordered, That said statements of operation and maintenance expenses shall be submitted under oath on the form herewith enclosed which form is hereby made a part of this order.[2]

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-1908; Filed, July 5, 1938; 12:04 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1938.

[File No. 43-114]

IN THE MATTER OF PUGET SOUND POWER & LIGHT COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Puget Sound Power & Light Company, a subsidiary company of Engineers Public Service Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of $7,000,000 principal amount of its First and Refunding Mortgage 6% Gold Bonds, Series E, due October 1, 1950; a public hearing having been held in this matter after appropriate notice,[1] and the Commission having considered the record and having made its findings herein:

It is ordered, That said declaration be and become effective forthwith, subject however, to the following terms and conditions:

(1) That the bonds covered by this declaration shall be sold at a price to net declarant, after deduction of underwriting commissions, but before declarant's other expenses incidental to and in connection with the issue and sale thereof, not less than 100% of the principal amount thereof, plus accrued interest thereon to the date of the sale.

(2) That the proceeds of the sale of the bonds shall be used for the specific purposes outlined in the declaration.

(3) That the Commission reserves jurisdiction of these proceedings for the purpose of approving or disapproving any underwriting or pledge agreements or exchange offers, and that the declarant shall not enter into any such agreements or make such offers except upon the approval by this Commission being first obtained.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1894; Filed, July 2, 1938; 11:37 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June 1938.

[File Nos. 46-100, 56-1]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY, KEYSTONE UTILITIES, INC.

ORDER APPROVING ACQUISITION AND SALE OF SECURITIES

NY PA NJ Utilities Company, a registered holding company, and a direct subsidiary of Associated Gas and Electric Corporation and Associated Gas and Electric Company, both registered holding companies, having filed an application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of 3,000 shares of the common stock of Bradford Electric Company, said shares constituting the entire issued and outstanding capital stock of that company, from Keystone Utilities, Inc., a registered holding company, and the

[1] 3 F. R. 1284 DI.

[2] Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

[1] 3 F. R. 897 DI.

wholly-owned subsidiary of NY PA NJ Utilities Company; Keystone Utilities, Inc., having filed an application, pursuant to Rule 12D–1, promulgated under the Public Utility Holding Company Act of 1935, for approval of the sale by it of the said 3,000 shares of the common stock of Bradford Electric Company, to NY PA NJ Utilities Company; a joint hearing on said applications, as amended, having been held after appropriate notice;[1] the record in these matters having been duly considered; and the Commission having filed its findings herein:

It is ordered, That such acquisition of the aforesaid securities by NY PA NJ Utilities Company and that such sale of the aforesaid securities by Keystone Utilities, Inc., in accordance with the terms and conditions and for the purposes represented by said applications, be, and the same hereby are, approved: Provided, that within ten days after such acquisition and sale the applicants shall file with this Commission Certificates of Notification showing that such acquisition and sale have been effected in accordance with the terms and conditions of and for the purposes represented by said applications and containing abstracts of the entries recorded on the books of NY PA NJ Utilities Company in connection with the acquisition of the common stock of Bradford Electric Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38–1895; Filed, July 2, 1938; 11:37 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of July A. D. 1938.

[File No. 31–396]

IN THE MATTER OF INTERLAKE IRON CORPORATION

ORDER DECLARING APPLICANT NOT TO BE AN ELECTRIC UTILITY COMPANY

Interlake Iron Corporation having made application for a declaration that it is not an electric utility company pursuant to the provisions of Section 2 (a) (3) (A) of the Public Utility Holding Company Act of 1935; a hearing on said application having been duly held after appropriate notice;[2] the record in this matter having been duly considered; and the Commission having made appropriate findings:

It is ordered, pursuant to Section 2 (a) (3) (A) of the Public Utility Holding Company Act of 1935, that Interlake Iron Corporation be declared and it is hereby declared not to be an electric utility company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38–1892; Filed, July 2, 1938; 11:36 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of July, A. D. 1938.

[File No. 32–88]

IN THE MATTER OF WORCESTER SUBURBAN ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

An application having been filed with this Commission by Worcester Suburban Electric Company, a subsidiary of Massachusetts Utilities Associates, in turn a subsidiary of New England Power Association, a registered holding company, for exemption from the provisions of Section 6 (a) of said Act of the issue of 24,433 shares of its capital stock of the par value of $25 per share, such shares to be exchanged by applicant for all of the outstanding shares of the par value of $100 per share of Marlborough Electric Company, also a subsidiary of Massachusetts Utilities Associates, upon the basis of 2 and 5683/9375ths shares of applicant for each share of Marlborough Electric Company; the shares of the latter company to be canceled by applicant upon the exchange being effected and upon the conveyance and transfer to applicant by Marlborough Electric Company of all of its assets and property of every description subject to its liabilities and obligations;

Hearing on such application as amended having been held after appropriate notice,[1] and the Commission having determined that the application shall be considered as a declaration under Section 7 of the Act, and having accordingly filed its findings therein:

It is ordered, That such declaration be and become effective forthwith on the condition, however, that the issuance and exchange of the aforesaid stock shall be effected in substantial compliance with the terms and conditions set forth in, and for the purpose represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38–1913; Filed, July 5, 1938; 12:43 p. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, JUNE 30, 1938

Important.—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	575	37
2. Hawaii	137	15
3. Alaska	22	7
4. California	2,114	746
5. Texas	2,109	867
6. Louisiana	783	365
7. Michigan	1,803	849
8. Arizona	162	79
9. New Jersey	1,505	769
10. South Carolina	648	371
11. Oklahoma	892	528
12. Ohio	2,476	1,466
13. Arkansas	691	421
14. Alabama	986	606
15. Mississippi	749	463
16. New Mexico	158	98
17. North Carolina	1,181	709
18. Georgia	1,083	728
19. Kentucky	974	666
20. Wisconsin	1,095	825
21. Illinois	2,842	2,172
22. Tennessee	974	747
23. Connecticut	598	472
24. Nevada	34	27
25. Indiana	1,206	1,093
26. Oregon	355	322
27. Delaware	89	81
28. Wyoming	84	77
29. Florida	547	502
30. New York	4,688	4,352
31. Pennsylvania	3,587	3,367
32. Utah	189	179
33. Washington	582	555
34. Idaho	166	160
35. New Hampshire	173	167
36. North Dakota	254	250
37. Colorado	386	384

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1937
QUOTA FILLED			
38. Massachusetts	1,583	1,583	−21

[1] 3 F. R. 1097 DI.
[2] 3 F. R. 1410 DI.

[1] 3 F. R. 1355 DI.

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1937
IN EXCESS			
39. Rhode Island	256	267	+7
40. West Virginia	644	647	+19
41. Maine	297	299	+12
42. Kansas	701	721	+30
43. Vermont	134	140	+2
44. Missouri	1,352	1,424	+80
45. Minnesota	955	1,048	+112
46. South Dakota	258	286	+15
47. Montana	200	227	+35
48. Iowa	920	1,076	+114
49. Nebraska	513	626	+96
50. Virginia	902	1,940	−105
51. Maryland	608	1,848	−57
52. District of Columbia	181	8,757	−224

GAINS

By appointment	352
By reinstatement	3
By transfer	53
By correction	1
Total	409

LOSSES

By separation	137
By transfer	73
Total	210
Total appointments	46,461

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of August 25, 1934: 13,875.

By direction of the Commission.

[SEAL] L. A. MOYER,
Chief Examiner.

[F.R. Doc. 38-1896; Filed, July 2, 1938; 11:46 a. m.]